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**TITLE 329 SOLID WASTE MANAGEMENT DIVISION**

**NOTICE OF READOPTION**  
**IC 13-14-9.5 FIRST NOTICE OF COMMENT PERIOD**  
LSA Document #14-187

**READOPTON OF RULES IN TITLE 329 UNDER IC 13-14-9.5**

**PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on the readoption of rules in Title 329 of the Indiana Administrative Code under IC 13-14-9.5.

**RULES TO BE READOPTED:**

<a href="#">329 IAC 7.1-1</a>	General Provisions; Definitions
<a href="#">329 IAC 7.1-2-1</a>	Definitions
<a href="#">329 IAC 7.1-2-2</a>	"Community water system" defined
<a href="#">329 IAC 7.1-2-3</a>	"Ecologically sensitive area" defined
<a href="#">329 IAC 7.1-2-4</a>	"Free product" defined
<a href="#">329 IAC 7.1-2-6</a>	"Hazardous substances response site" defined
<a href="#">329 IAC 7.1-2-7</a>	"Maximum contamination level" or "MCL" defined
<a href="#">329 IAC 7.1-2-8</a>	"Notification of release" defined
<a href="#">329 IAC 7.1-2-10</a>	"Off-site" defined
<a href="#">329 IAC 7.1-2-11</a>	"On-site" defined
<a href="#">329 IAC 7.1-2-12</a>	"Remediation work plan" defined
<a href="#">329 IAC 7.1-3</a>	Incorporation by Reference
<a href="#">329 IAC 7.1-5</a>	Transition
<a href="#">329 IAC 7.1-6</a>	Reprioritization
<a href="#">329 IAC 7.1-7</a>	Completion of Remediation
<a href="#">329 IAC 7.1-8</a>	Hazard Removals
<a href="#">329 IAC 10-11-7</a>	Demonstration and determination of need requirements
<a href="#">329 IAC 10-15-9</a>	Baled waste management plan
<a href="#">329 IAC 10-16-11</a>	Setbacks
<a href="#">329 IAC 10-16-12</a>	Reduction of setback distances
<a href="#">329 IAC 10-18</a>	Municipal Solid Waste Landfills; Vertical Expansions
<a href="#">329 IAC 10-20-30</a>	Manifest requirements for waste received from transfer stations
<a href="#">329 IAC 10-20-31</a>	Requirements for receipt of baled waste
<a href="#">329 IAC 10-20-32</a>	Incidental disposal of small amounts of whole waste tires
<a href="#">329 IAC 11-2-21.4</a>	"Medical waste" defined
<a href="#">329 IAC 11-2-28.4</a>	"Plasma arc treatment" defined
<a href="#">329 IAC 11-2-38.6</a>	"Solidification" defined
<a href="#">329 IAC 11-2-43</a>	"Solid waste processing facility" defined
<a href="#">329 IAC 11-4-1</a>	Applicability
<a href="#">329 IAC 11-5-1</a>	Applicability
<a href="#">329 IAC 11-5-2</a>	Existing construction permits
<a href="#">329 IAC 11-5-3</a>	Existing operating permits
<a href="#">329 IAC 11-5-4</a>	Operating requirements for facilities with operating permits in effect on April 13, 1996
<a href="#">329 IAC 11-5-6</a>	Pending permit applications
<a href="#">329 IAC 11-5-7</a>	Existing facilities requiring a permit
<a href="#">329 IAC 11-9-5</a>	Demonstration and determination of need
<a href="#">329 IAC 11-11-5</a>	Transferability of permits; change of ownership interest
<a href="#">329 IAC 11-15-1</a>	Definitions
<a href="#">329 IAC 11-15-3</a>	Manifests required information
<a href="#">329 IAC 11-15-5</a>	Prohibition on accepting municipal waste

**AUTHORITY:** IC 13-14-9.5.

**SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING**

This rulemaking is required under [IC 13-14-9.5](#), which provides for the expiration and readoption of administrative rules. All rules adopted after January 1, 2002 under [IC 13-14-9](#), expire on January 1 of the seventh year after the year in which each rule takes effect. The rules listed to be readopted have an expiration date of January 1, 2015. IDEM has chosen to readopt all affected rules at one time rather than readopt each rule separately as its expiration date approaches.

Under [IC 13-14-9.5-4](#), the department or board that has rulemaking authority under Title 13 may readopt all rules subject to expiration under one rule that lists all rules that are readopted by their titles and subtitles only. If no comments are received during this first comment period, IDEM may submit the rule for filing with the Publisher under [IC 4-22-2-35](#) and publish notice in the Indiana Register that the agency has readopted the rule.

## STATUTORY AND REGULATORY REQUIREMENTS

[IC 13-14-9.5-4](#) requires that the following procedure be followed to readopt rules:

- (1) A notice listing all rules to be readopted by their titles and subtitles shall be submitted to the Publisher for publication in the Indiana Register.
- (2) If a person submits a written request and a basis for the request during the first comment period that a particular rule be readopted separately from the readoption rule that readopts all rules in one rulemaking, the agency must:
  - (A) readopt that rule separately from the readoption rule; and
  - (B) follow the procedure for adoption of administrative rules under [IC 13-14-9](#) with respect to that rule.
- (3) If no written request is provided within the first comment period, the agency may submit the rule for filing with the Publisher under [IC 4-22-2-35](#) and publish notice in the Indiana Register that the agency has readopted the rule.

## REQUEST FOR PUBLIC COMMENTS

IDEM requests that any written comments requesting that a rule be readopted separately from this readoption rule include a basis for the request. Comments may be submitted in one of the following ways:

- (1) By mail or common carrier to the following address:  
LSA Document #14-187 2014 Title 329 Rule Readoption  
Dan Watts  
Rule Development Branch  
Office of Legal Counsel  
Indiana Department of Environmental Management  
100 North Senate Avenue  
Indianapolis, IN 46204
- (2) By facsimile to (317) 233-5970. Please confirm the timely receipt of faxed comments by calling the Rule Development Branch at (317) 233-8903.
- (3) By electronic mail to [dwatts1@idem.in.gov](mailto:dwatts1@idem.in.gov). To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the email address indicated in this notice.**
- (4) Hand delivered to the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Regardless of the delivery method used, in order to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

## COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or time stamped not later than July 4, 2014. Hand-delivered comments must be delivered to the office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this action may be obtained from Dan Watts, Rule Development Branch, Office of Legal Counsel, (317) 234-5345 or (800) 451-6027 (in Indiana).

Nancy King, Chief  
Rules Development Branch  
Office of Legal Counsel

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